

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2886 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHANUPRASAD JAYSANKAR PANDYA

Versus

DIST EDUCATION OFFICER

Appearance:

1. Special Civil Application No. 2886 of 1985
MS MAMTA R VYAS for Petitioner
GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 25/07/97

ORAL JUDGEMENT

By way of this Special Civil Application, the petitioner seeks direction to condone the break in service for the period 1.9.1960 to 14.6.1964 and fix the pension accaordingly.

2. The say of the petitioner is that he joined the

New Era High School, Bombay in the year 1959. While he was serving in that School as a Teacher, he was sponsored to the Government of Iraq. He served in Iraq as Teacher and returned to the country in August, 1963. On return, he approached the New Era High School, Bombay, for his re-posting but since there was no vacancy, he was asked to approach the Orient High School. He served in the Orient High School from 1963 till he was absorbed in Shreyas High School, Ahmedabad upto June, 1966.

3. It is contended by Ms. Mamta R Vyas, learned Advocate appearing for the petitioner that as the petitioner was sponsored by the Government for serving in Iraq, he is entitled to pension of the break in service. On the other hand, Mr Dhaval C Dave, learned AGP submits that the petitioner left the job on his own and on return he was given fresh appointment and as such the question of condonation as claimed, does not arise.

4. I have heard the learned Advocate for the parties and have gone through the relevant records. There is nothing on the record to show that the petitioner was sponsored either by the State of Bombay or by any other School. There is no material even to show that any lien was kept on the post of Teacher in New Era High School, Bombay. In view of this, the petitioner is not entitled to the relief claimed.

5. In view of the aforesaid, I find no merit in this Special Civil Application, and the same is accordingly dismissed. Rule discharged.

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msh.